

Appln No. 10/660,453
Amdt date January 31, 2008
Reply to Office action of October 31, 2007

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A space keeper for vertebrae or intervertebral disks comprising:

a tubular section defined by an outer wall and having a longitudinal axis;

a base plate connected with an end of the tubular section; and

a top plate connected with the base plate, the top plate configured and positioned to engage a vertebral body end face facing an end face of an adjacent vertebral body, wherein the top plate is tiltable about an angle to the longitudinal axis of the tubular section;

wherein the tubular section defines a plurality of openings in the outer wall of the tubular section; and

wherein the base plate comprises a section that extends in a direction away from the top plate and that engages with the tubular section.

2. (Original) The space keeper of claim 1 further comprising an elastic member located between the top plate and the base plate.

3. (Cancelled)

4. (Currently amended) The space keeper of claim [[3]]1 wherein the openings of the tubular section are lozenge-shaped.

5. (Original) The space keeper of claim 2 wherein the top plate has teeth that engage a wall of a vertebral body end plate.

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6. (Withdrawn) The space keeper of claim 1, wherein the base plate defines a convex contact face and a first annular recess; the top plate defines a concave recess and a second annular recess wherein the concave recess is congruent with the convex contact face; and the space keeper further comprises a ring that is located between the first annular recess and second annular recess wherein the ring contacts the first annular recess and second annular recess.

7. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a concave contact face and a first annular recess; the top plate defines a concave recess and a second annular recess; and the space keeper further comprises:

a biconvex shaped core positioned between the base plate and the top plate, the core defining a top convex face and a base convex face that engage the concave contact face and concave recess, respectively, the core also defining a top annular recess and a base annular recess; and

a first ring located between the first annular recess and base annular recess and a second ring located between the top annular recess and second annular recess.

8. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a concave contact face; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a top plan-convex lenticular body defining a top convex face, a base plan-convex lenticular body defining a base convex face, and a plan-parallel plate between the top plan-convex lenticular body and base plan-convex lenticular body, the core defining a bore, said top convex face engaging the concave recess and said base convex face engaging the concave contact face; and

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate.

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9. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a concave contact face; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a top plan-convex lenticular body defining a top convex face and a first annular recess, a base plan-convex lenticular body defining a base convex face and a second annular recess, said top convex face engaging the concave recess and said base convex face engaging the concave contact face, the core also defining a bore;

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate; and

a ring located between the first annular recess and second annular recess.

10. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a flat face; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a plan-convex lenticular body defining a top convex face and a plan-parallel plate, said top convex face engaging the concave recess and said plan parallel plate being located between the flat face and the plan-convex lenticular body, the core also defining a bore; and

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate.

11. (Withdrawn) The space keeper of claim 1 wherein the base plate defines a flat face having a first annular recess; the top plate defines a concave recess; and the space keeper further comprises:

a core comprised of a plan-convex lenticular body defining a top convex face and a second annular recess, said top convex face engaging the concave recess, the core also defining a bore;

a connecting sleeve located within the bore wherein the connecting sleeve connects the top plate with the base plate; and

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a ring located between the first annular recess and second annular recess.

12. (Currently Amended) A space keeper for vertebrae or intervertebral disks comprising:

a tubular section having a longitudinal axis and having a first end and a second end;

a first element proximate to the first end of the tubular section wherein the first element has a base plate connected with the first end of the tubular section, a top plate connected with the base plate, the top plate configured and positioned to engage a vertebral body end face facing an end face of an adjacent vertebral body, and an elastic member located between the top plate and the base plate; and

a second element proximate to the second end of the tubular section wherein the second element has a base plate connected with the second end of the tubular section, a top plate connected with the base plate, the top plate configured and positioned to engage a vertebral body end face facing an end face of an adjacent vertebral body, and an elastic member located between the top plate and the base plate;

wherein the top plates are tilttable about an angle to the longitudinal axis of the tubular section;

wherein the tubular section defines a plurality of openings; and

wherein each of the base plates comprises a section that extends in a direction away from the corresponding top plate and that engages with the tubular section.

13. (Cancelled)

14. (Currently Amended) The space keeper of claim [[13]]12 wherein the openings of the tubular section are lozenge-shaped.

15. (Original) The space keeper of claim 12 wherein each top plate has teeth that engage a wall of a vertebral body end plate.